

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST
LITIGATION

Master File No. 12-md-02311
Honorable Marianne O. Battani

In re: All Cases

THIS DOCUMENT RELATES TO:

END-PAYOR ACTIONS
DEALERSHIP ACTIONS
TRUCK AND EQUIPMENT DEALER ACTIONS

**DECLARATION OF MICHAEL F. TUBACH IN SUPPORT OF STATEMENT OF
CERTAIN DEFENDANTS IN RESPONSE TO INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR AN ORDER DIRECTING DEFENDANTS TO PAY HALF OF THE
PARTIES' COSTS RELATING TO OEM DISCOVERY**

I, Michael F. Tubach, declare as follows:

1. I am a member of the Bar of the State of California and a partner of the law firm of O'Melveny & Myers LLP, attorneys for Defendants LEONI Wiring Systems, Inc. and Leonische Holding, Inc.; MAHLE Behr GmbH & Co. KG and MAHLE Behr USA Inc.; and Eberspächer Exhaust Technology GmbH & Co. KG and Eberspächer North America Inc. in the above-captioned actions. I make this declaration in support of the Statement Of Certain Defendants In Response To Indirect Purchaser Plaintiffs' Motion For An Order Directing Defendants To Pay Half Of The Parties' Costs Relating To OEM Discovery. I make this declaration based on my own personal knowledge. If called to testify as a witness, I could and would do so competently.

2. Attached as Exhibit A is a true and correct copy of a May 2, 2018 email exchange between myself and William V. Reiss, counsel for End-Payor Plaintiffs. The emails confirm that the Indirect Purchaser Plaintiffs' Motion for an Order Directing Defendants to Pay Half of

the Parties' Costs Relating to OEM Discovery (ECF No. 1884 (May 1, 2018)), is directed only at the defendants specifically listed in footnote 2 of the motion and proposed order.

3. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above is true and correct.

Executed on May 14, 2018, in San Francisco, California.

By: Michael F. Tubach
Michael F. Tubach